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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twenty-sixth (extraordinary) session
13-31 August 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

ISRAEL

1. At its 39th meeting, held on 17 August 2001, the Committee considered the additional information (E/1989/5/Add.14) submitted by the State party in response to the request made by the Committee in its concluding observations (E/C.12/1/Add.27, para. 32) adopted at its nineteenth session in 1998 with respect to the initial report of Israel on the implementation of the Covenant (E/1990/5/Add.39) and adopted, at its 47th meeting, held on 23 August 2001, the following concluding observations.

2. In paragraph 32 of its concluding observations on the initial report of Israel, the Committee requested the State party "to provide additional information on the realization of economic, social and cultural rights in the occupied territories, in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations". The Committee requested that the additional information be submitted in time for its twenty-fourth session in November/December 2000.

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3. In a note verbale dated 3 November 2000, the Permanent Mission of Israel to the United Nations Office at Geneva informed the Committee that the additional information would be included in the State party's second periodic report, which the State party planned to submit no later than March 2001.

4. In a letter dated 1 December 2000 to the Permanent Representative of Israel (E/2001/22-E/C.12/2000/21, annex X), the Chairperson of the Committee reminded the State party that the Committee had called for the additional information to be submitted in time for the twenty-fourth session and emphasized that some of the additional information concerning the occupied territories had been requested "in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations". Since the additional information formed part of the State party's initial report, it should be submitted, and would be considered, separately from the State party's second periodic report.

5. The Chairperson urged the State party to submit by 1 March 2001 up-to-date information on the realization of economic, social and cultural rights in the occupied territories, giving particular attention to the issues that were identified in the concluding observations, as well as those mentioned in the letter. The Committee scheduled its consideration of the additional information for the afternoon of 4 May 2001 and invited the State party to participate in the discussion.

6. The additional information was received on 20 April 2001, too late for it to be translated into the working languages of the Committee, as required by rule 24 of its rules of procedure, for the twenty-fifth session. Consequently, the consideration of the additional information had to be postponed again to the Committee's extraordinary session in August 2001. The State party was informed of the deferral in a letter dated 11 May 2001.

7. At its twenty-fifth session, the Committee invoked rule 64 of its rules of procedure, which provides that the Committee may make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and reports submitted by specialized agencies, in order to assist the Economic and Social Council to take action in pursuance of articles 21 and 22 of the Covenant. Accordingly, the Chairperson addressed a letter (E/2001/77) dated 11 May 2001 to the President of the Council, enclosing a copy of a letter of the same date addressed to the State party citing alleged violations of the Covenant which had been brought to the Committee's attention.

8. In a note verbale dated 14 August 2001, the Permanent Mission of Israel to the United Nations Office at Geneva informed the Committee that owing to complications concerning preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance scheduled to take place in Durban, South Africa, the delegation of the State party would be unable to travel to Geneva to attend the Committee's extraordinary session. The State party also informed the Committee that it had submitted its second periodic report and requested that the additional information previously submitted to the Committee be considered together with the second periodic report at a future session of the Committee.

9. At its 39th meeting, on 17 August 2001, a representative of the Government of Israel read a statement before the Committee, but declined to participate in the consideration of the additional information that was scheduled for that meeting. The Committee therefore decided to proceed with the consideration of the additional information in accordance with the decision taken at its twenty-fifth session.

10. The Committee noted that the additional information submitted by the State party did not include information on the realization of economic, social and cultural rights in the occupied territories, except in relation to East Jerusalem. In the absence of such information in relation to the other occupied territories, and in accordance with its procedure concerning reports that had not been submitted or were overdue, which the Committee had begun to apply at its ninth session, the Committee proceeded to discuss the situation in the occupied territories. This would complete the consideration of the State party's initial report.

11. The Committee deplores the State party's refusal to report on the occupied territories and the State party's position that the Covenant does not apply to "areas that are not subject to its sovereign territory and jurisdiction". The Committee's views on this issue have already been firmly expressed in its previous concluding observations (E/C.12/1/Add.27). The Committee notes the statement of the State party in paragraph 5 of the additional information it submitted to the Committee, that powers and responsibilities "continue to be exercised by Israel in the West Bank and Gaza Strip" according to agreements reached with the Palestinians.

12. The Committee rejects the State party's assertion regarding the distinction between human rights and humanitarian law under international law to support its argument that the Committee's mandate "cannot relate to events in the Gaza Strip and West Bank". The Committee reminds the State party that even during armed conflict, fundamental human rights must be respected and that basic economic, social and cultural rights as part of the minimum standards of human rights are guaranteed under customary international law and are also prescribed by international humanitarian law.

13. The Committee expresses its deep concern about the State party's continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted by the State party to restrict the movement of civilians between points within and outside the occupied territories, severing their access to food, water, health care, education and work. The Committee is particularly concerned that on frequent occasions, the State party's closure policy has prevented civilians from reaching medical services and that emergency situations have ended at times in death at checkpoints. The Committee is alarmed over reports that the Israeli security forces have turned back supply missions of the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East attempting to deliver food, water and medical relief to affected areas.

14. The Committee continues to be concerned that the State party's Law of Return denies indigenous Palestinian refugees the right to return to their homes and properties.

15. The Committee urges the State party to exercise its powers and responsibilities to put an end to the violence, the loss of human lives and the restrictions imposed on the movement of

civilians between points within and outside the occupied territories. In this regard, the Committee urges the State party to implement without delay its obligations under the Covenant and to desist from decisions and measures resulting in violations of the economic, social and cultural rights of the population living in the occupied territories. The Committee expresses its firm conviction that the implementation of the International Covenant on Economic, Social and Cultural Rights can play a vital role in procuring a lasting peace in Israel and Palestine.

16. The Committee reiterates its request that the State party provide information on the realization of economic, social and cultural rights in all occupied territories. This information should be submitted in time for it to be considered together with the State party's second periodic report, which is tentatively schedule for the thirtieth session of the Committee in April/May 2003. The rest of the information already submitted will be considered together with the second periodic report.